

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MAGALY E. HERIVEAUX,

Plaintiff,

-against-

NATIONAL SECURITY AGENCY,

Defendant.  
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MEMORANDUM & ORDER

16-MC-836 (ENV)

VITALIANO, D.J.

After Magaly Heriveaux, proceeding *pro se*, filed a series of duplicative and frivolous complaints, this Court, by order, dated January 15, 2016, prohibited her from filing any further actions in the Eastern District of New York unless she either provided pre-payment of the filing fee in accordance with 28 U.S.C. § 1914, or obtained judicial permission for her proposed filing and otherwise met the standards for *in forma pauperis* (“IFP”) status. *See Heriveaux v. Federal Bureau of Investigation*, No. 15 Civ. 4999 (ENV) (LB) (E.D.N.Y. Jan. 15, 2016) (ECF No. 12 at 4).

Presently before the Court are Heriveaux’s motions for leave to file a new complaint and to proceed IFP. Mot. for Leave to File, ECF No. 1; Mot. to Proceed IFP, ECF No. 3.<sup>1</sup> Dispositively, the proposed complaint alleges harassment and abuse by people in “the portal,” and, like the six prior complaints that it mirrors,<sup>2</sup> is nonsensical and frivolous. Proposed Compl., ECF No. 2. It may not be filed.

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<sup>1</sup> The Clerk of Court properly filed these submissions on the miscellaneous docket.

<sup>2</sup> *See Heriveaux v. Berrien County, Michigan*, No. 15 Civ. 4138 (ENV) (LB) (E.D.N.Y. Aug. 24, 2015) (ECF No. 4) (dismissing the complaint as frivolous); *Heriveaux v. FEMA*, No. 15 Civ. 2326 (ENV) (LB) (E.D.N.Y. May 10, 2015) (ECF No. 5) (same); *Heriveaux v. Sec’y of Defense*, No. 15 Civ. 340 (ENV) (LB) (E.D.N.Y. May 11, 2015) (ECF No. 10) (same); *Heriveaux v. Fed. Gov’t*, No. 14 Civ. 7105 (ENV) (LB) (E.D.N.Y. May 12, 2015) (ECF No. 11) (same); *Heriveaux*

### Conclusion

In line with the foregoing, Heriveaux's motion for leave to file is denied. Her motion to proceed *in forma pauperis* is denied as moot.

Nothing in this order shall be construed to prohibit Heriveaux from filing an appeal of this order. Nevertheless, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

So Ordered.

Dated: Brooklyn, New York  
May 5, 2016

s/Eric N. Vitaliano

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ERIC N. VITALIANO  
United States District Judge

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*v. Fed. Bureau of Investigation*, No. 15 Civ. 4999 (ENV) (LB) (E.D.N.Y. Nov. 3, 2015) (ECF No. 5) (same); *Heriveaux v. Sec'y of Defense*, No. 16 Civ. 178 (ENV) (LB) (E.D.N.Y. Jan. 16, 2016) (docket order) (same).